

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JIN MING LIN, CHI WAI CHAO,)	
YOOK THAI CHEAH, MING F. FUNG,)	
MUOI GIANG, YUEN YUE SOOHOO,)	
and MEI ZHI,)	
)	
Plaintiffs,)	Civil Action No. 09-11510-GAO
v.)	
)	
CHINATOWN RESTAURANT CORP.,)	
and JOYCE P.Y. HAYES,)	
)	
Defendants.)	
)	

PLAINTIFFS' MOTION IN LIMINE
TO PRECLUDE EVIDENCE THAT NOT ALL EMPLOYEES ARE PLAINTIFFS

Defendants may attempt to introduce evidence or argument the way in which the opt-in process proceeded in this case or, in particular, the response rate or number of opt-in plaintiffs. Such evidence or argument is improper and irrelevant under F.R.E. 401 and 402.

Moreover, the risk of prejudice, confusion and waste of time as contemplated by F.R.E. 403 would be great. Discussions of the opt-in process would require counsel and the Court to explain complicated legal procedures to the jurors. The particular rate of response in this case could be related to a variety of factors, including the fact the current employees may not want to risk losing their jobs by participating in this lawsuit.

Evidence and argument concerning the opt-in process and the rate of response in this case should be precluded from the trial under F.R.E. 401, 402 and 403.

RESPECTFULLY SUBMITTED,

For Plaintiffs
By their attorneys,

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Dated: October 19, 2012

CERTIFICATE OF SERVICE

I certify that on this day I caused a true copy of the above document to be served upon the attorney of record for all parties via CM/ECF.

Date: 10/19/2012 */s/Myong J. Joun*
Myong J. Joun